

# The Federal U Visa

What is it and why are prosecutors involved?

# What are the benefits of a U Visa?

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- U Visa recipients are eligible for work authorization;
- U Visa recipients become eligible for lawful permanent resident status after 3 years in U non-immigrant Status;
- For children crime victims under 21 years old, the Spouse, Children, Parents and Unmarried siblings (of the applicant) can apply for a U Visa;
- For crime victims over the age of 21, the Spouse and unmarried children under 21 can apply for a U Visa;
- 10,000 U Visas issued annually. Put on waiting list.

# History of U Visa

W&O'

WILNER & O'REILLY  
IMMIGRATION LAWYERS

RECEIVED

'12 APR -2 P3:23

U.S. DEPARTMENT OF JUSTICE  
IMMIGRATION & NATURALIZATION SERVICE

March 29, 2012

Tim Taylor  
100 East Center Street  
Suite 2100  
Provo, UT 84606

RE: Michelle Villareal police report #11SV08988

Dear Mr. Wake:

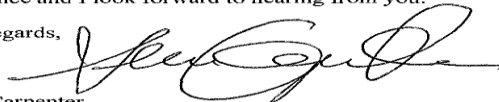
My name is Sean Carpenter and I represent Ms. Michelle Villareal in immigration matters. She has retained us to seek a U-Visa for her based on the incident in the above-mentioned police report.

I am contacting you to request your assistance with a U visa certification form. The U-Visa was created by congress to encourage undocumented immigrants to report crimes to police and assist with the prosecution. This was done because immigrants were often fearful that there would be immigration consequences if they called the police. Signing this form does not, in any way, grant a visa or immigration status to Ms. Villareal - that may only be done by U.S. Citizenship and Immigration Services. Your signature only confirms that she was a victim of a crime and that she is helping the investigation and/or prosecution.

Ms. Villareal notified law enforcement and provided information leading to an arrest. She is also working to actively prosecute her abuser and has cooperated fully. Accordingly, she qualifies to receive the certification.

For your convenience I have included a partially completed certification form for your review and signature. Please complete the portions of the form that are empty as best you can, and feel free to add or change anything else. I try to complete the form as best I can to make it easier for you to complete. I have also included a self-addressed, stamped envelope for you to mail the completed form to our office, if possible. Should you have any questions about the certification or anything that is included on the form, please contact us at 801-594-9999 or [scarpenter@wilneroreilly.com](mailto:scarpenter@wilneroreilly.com). Thank you in advance for your assistance and I look forward to hearing from you.

Best regards,



Sean Carpenter  
Wilner & O'Reilly, APLC

Enclosure  
STC/em

Orange County  
400 N. Fifth Ave., Suite 370  
Santa Ana, California 92705  
T: 714 920-6182  
F: 714 922-6252

Los Angeles  
12777 Center Court Drive Suite 200  
Cerritos, California 90703  
T: 562 207-6787  
F: 562 207-6788

[www.wilneroreilly.com](http://www.wilneroreilly.com)

Utah  
299 South Main Suite 1350  
Salt Lake City, Utah 84111  
T: 801 535-4326  
F: 801 503-1911

Inland Empire  
3403 Tenth Street, Suite 212  
Riverside, California 92501  
T: 951 787-0000  
F: 951 207-6788

# History of U Visa



Jeffrey R. Buhman, County Attorney  
Timothy L. Taylor, Chief Deputy  
E. Kent Sundberg, Civil Division Chief  
Jeff Robinson, Bureau Chief

Sherry Ragan  
Chris Yannelli  
Curtis L. Larson  
Guy Probert  
Randy Kennard  
Chad Gruanneder  
Craig Johnson  
John J. Nielsen  
Rhonda Gividen  
Nicole M. Myers

Office of the

## Utah County Attorney

Criminal Division

Mariane O'Bryant  
David S. Sturgill  
Donna Kelly  
Alex M. Ludlow  
Douglas Finch  
Julia Thomas  
Ryan Peters  
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Samuel S. Peard  
Ryan McBride

100 East Center Street, Suite 2100  
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April 20, 2012

Sean Carpenter  
WILNER & O'REILLY  
299 South Main, Suite 1359  
Salt Lake City, UT 84111

*Re: I-918 Supplement B, Michelle Villareal*

Mr. Carpenter,

We recently received your request to sign the above-mentioned I-918 application. As contained within the document's instructions, "An agency's decision to provide a certification is entirely discretionary; the agency is under no obligation to complete a Form I-918 Supplement B, for any particular alien."

Although I appreciate your advocacy on behalf of your client, I don't necessarily agree with the sentence set forth in your letter which states, "[t]he U-Visa was created by congress to encourage undocumented immigrants to report crimes to police and assist with the prosecution. This was done because immigrants were often fearful that there would be immigration consequences if they called the police."

I decided to find out more about this legislation in order to better understand its history and purpose. I first visited the website for the U.S. Department of Homeland Security which states, "Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000." In reviewing this piece of legislation, the stated purpose of the Victims of Trafficking and Violence Protection Act is as follows: **"The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims."**

It appears that the main purpose of this portion of this legislation was to assist in prosecuting cases involving human trafficking and slavery and not merely to assist undocumented immigrants who "were often fearful that there would be immigration consequences if they called the police." Therefore, I respectfully disagree with your general allegations and conclusions because your claim does not comport with the legislative language.

In reviewing the other portion of this legislation—the Battered Immigrant Women's Protection Act—the findings and purposes of this act include:

# History of U Visa

*(a) FINDINGS.—Congress finds that—*

*(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;*

*(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and*

*(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.*

*(b) PURPOSES.—The purposes of this title are—*

*(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and*

*(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.*

*In this portion of the legislation, Congress realized that the abusers were threatening to expose the illegal status of their victims if the victims reported the crimes to law enforcement. Therefore, in order to remove the threats exercised by the abuser over the victim, Congress wanted to give the victims an avenue to remain in the United States in order to testify against the abuser. One of the glaring omissions in the Congressional findings is any allegation that law enforcement officers, victim advocates or prosecutors were threatening to report undocumented victims to immigration officials. I have been prosecuting cases for many years and I have never seen nor heard of any prosecutor, victim advocate or police officer contacting Immigration and Customs Enforcement to turn in a victim who was illegally in the United States. Therefore, your contention that the U-Visa was created due to fears by illegal aliens that there would be immigration consequences taken by the police is simply not accurate. The people who work exhaustively to assist victims of crime simply do not report undocumented victims to ICE. If undocumented victims are afraid to report crimes for fear that the police or prosecutors will report them to immigration officials, then their fear is simply misplaced.*

In reviewing the legislation that is the foundation for U visa applications, I am not sure how it evolved into the current form which is promulgated by immigration attorneys. In other words, there is a systemic belief that any undocumented victim and family member of certain crimes is entitled to a U visa. I suspect that like most government programs, the U visa has taken on a life of its own and expanded and proliferated over time. Although I believe that U visa applications are being accepted by government officials on behalf of individuals such as your clients, I am not convinced that this is the intent of the enabling legislation.

Mr Carpenter, this office does not take the position that it will not sign any U visas. If we ever received documentation that a victim was going to be deported and that the deportation would prevent our office from prosecuting a defendant for crimes involving violence or sex, we would



# U Visa

## Instructions, p. 1

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No. 1615-0104; Expires 07/31/2012

### Instructions for I-918, Supplement B, U Nonimmigrant Status Certification

#### Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

#### What Is the Purpose of This Form?

You should use Form I-918, Supplement B, to certify that an individual submitting a Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that activity.

#### When Should I Use Form I-918, Supplement B?

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The petitioner must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

**NOTE:** An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

The alien spouse, unmarried children under 21 years of age and, if the victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter, or
2. Where a violent qualifying criminal activity has caused the direct victim physical harm of a kind and degree that makes the direct victim incompetent or incapacitated, and, therefore, unable to provide information concerning the criminal activity or to be helpful in the investigation or prosecution of the criminal activity.

An alien may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; **and**
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
  - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
  - B. To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she (or in the case of an alien under the age of 16 years or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in Part 3 of this form. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

#### General Instructions.

##### Fill Out the Form I-918, Supplement B

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

# U Visa

## Instructions, p.1 (cont.)

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### **When Should I Use Form I-918, Supplement B?**

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The petitioner must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

**NOTE:** An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

# U Visa

## Instructions, p.2

3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **7**. The following information should help you fill out the form.

### Part 1 - Victim information.

- A. Family Name (Last Name)** - Give victim's legal name.
- B. Given Name (First name)** - Give victim's full first name, do not use "nicknames." (Example: If victim's name is Albert, do not use AL.)
- C. Other Names Used** - Provide all the names the victim has used that you are aware of, including maiden name if applicable, married names, nicknames, etc.
- D. Date of Birth** - Use eight numbers to show his or her date of birth (example: May 1, 1979, should be written 05/01/1979).
- E. Gender** - Check the appropriate box.

### Part 2 - Agency information.

- A. Name of certifying agency** - The certifying agency must be a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, that has responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches within the criminal justice system, and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as the child protective services, Equal Employment Opportunity Commission, and Department of Labor.

### **B. Name of certifying official - A certifying official is:**

- 1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or**
- 2. A Federal, state or local judge.**

If the certification is not signed by the head of the certifying agency, please attach evidence of the agency head's written designation of the certifying official for this specific purpose.

- C. Agency address** - Give the agency's mailing address.

### Part 3 - Criminal acts.

- A. Check all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing** - If the crime(s) of which the petitioner is a victim is not listed, please list the crime(s) and provide a written explanation regarding how it is similar to one of the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity found on the certification form itself.
- B. Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States** - Qualifying criminal activity of which the applicant is a victim had to violate U.S. law or occur within the United States.

Please indicate whether the qualifying criminal activity occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States.

- 1. United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.
- 2. Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
- 3. Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.



# U Visa

## Instructions, p.2 (cont.)

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**B. Name of certifying official - A certifying official is:**

1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or
2. A Federal, state or local judge.

# U Visa

## Instructions, p.3

**4. Territories and possessions of the United States** means American Samoa, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Please provide the statutory citation for the extraterritorial jurisdiction.

### **Part 4 - Helpfulness of the victim.**

**A. Indicate whether the victim possesses information about the crime(s).** A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. **A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.**

**When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.**

**B. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity.** A victim must provide evidence to USCIS that he or she (or, in the case of an alien child under the age of 16 or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying law enforcement official in the investigation or prosecution of the qualifying criminal activity.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B, U Nonimmigrant Status Certification significant weight, but it will not be considered conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the alien's involvement with your agency and all other information known to USCIS in determining whether the alien meets the elements of eligibility.

### **Part 5 - Family members implicated in criminal activity.**

**List whether any of the victim's family members are believed to have been involved in the criminal activity of which he or she is a victim.** An alien victim is prohibited from petitioning for derivative U nonimmigrant status on behalf of a qualifying family member who committed battery or extreme cruelty or trafficking against the alien victim which established his or her eligibility for U nonimmigrant status. Therefore, USCIS will not grant an immigration benefit to a qualifying family member who committed qualifying criminal activities in a family violence or trafficking context.

### **Part 6 - Certification.**

Please read the certification block carefully. **NOTE:** If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, even after this form is submitted to USCIS, you **must** notify USCIS by sending a written statement to: USCIS - Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001. Please include the victim's name, date of birth, and A-number (if available) on all correspondence.

# U Visa

## Instructions, p.3 (cont.)

### **Part 4 - Helpfulness of the victim.**

- A. Indicate whether the victim possesses information about the crime(s).** A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. **A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.**

**When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.**

# U Visa

## Form I-918 Supplement B, p.1

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No. 1615-0104; Expires 01/31/2016  
**Form I-918 Supplement B,**  
**U Nonimmigrant Status Certification**

**START HERE - Please type or print in black ink.**

### Part 1. Victim Information

Family Name  Given Name  Middle Name   
Other Names Used (Include maiden name/nickname)   
Date of Birth (mm/dd/yyyy)  Gender ☐ Male ☐ Female

### Part 2. Agency Information

Name of Certifying Agency   
Name of Certifying Official  Title and Division/Office of Certifying Official   
Name of Head of Certifying Agency   
Agency Address - Street Number and Name  Suite No.   
City  State/Province  Zip/Postal Code   
Daytime Phone No. (with area code and/or extension)  Fax No. (with area code)   
Agency Type ☐ Federal ☐ State ☐ Local  
Case Status ☐ On-going ☐ Completed ☐ Other:   
Certifying Agency Category ☐ Judge ☐ Law Enforcement ☐ Prosecutor ☐ Other:   
Case Number  FBI No. or SID No. (if applicable)

### Part 3. Criminal Acts

1. **The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Abduction                                 | <input type="checkbox"/> Female Genital Mutilation                    | <input type="checkbox"/> Obstruction of Justice                         | <input type="checkbox"/> Slave Trade  |
| <input type="checkbox"/> Abusive Sexual Contact                    | <input type="checkbox"/> Hostage                                      | <input type="checkbox"/> Peonage  | <input type="checkbox"/> Torture  |
| <input type="checkbox"/> Blackmail                                 | <input type="checkbox"/> Incest                                       | <input type="checkbox"/> Perjury  | <input type="checkbox"/> Trafficking  |
| <input type="checkbox"/> Domestic Violence                         | <input type="checkbox"/> Involuntary Servitude                        | <input type="checkbox"/> Prostitution                                   | <input type="checkbox"/> Unlawful Criminal Restraint                                    |
| <input type="checkbox"/> Extortion                                 | <input type="checkbox"/> Kidnapping                                   | <input type="checkbox"/> Rape   | <input type="checkbox"/> Witness Tampering  |
| <input type="checkbox"/> False Imprisonment                        | <input type="checkbox"/> Manslaughter                                 | <input type="checkbox"/> Sexual Assault                                 | <input type="checkbox"/> Related Crime(s)   |
| <input type="checkbox"/> Felonious Assault                         | <input type="checkbox"/> Murder                                       | <input type="checkbox"/> Sexual Exploitation                            | <input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.) |
| <input type="checkbox"/> Attempt to commit any of the named crimes | <input type="checkbox"/> Conspiracy to commit any of the named crimes | <input type="checkbox"/> Solicitation to commit any of the named crimes | <input type="text"/>  |

For USCIS Use Only	
Returned	Receipt
Date <input type="text"/>	
Date <input type="text"/>	
Resubmitted	
Date <input type="text"/>	
Date <input type="text"/>	
Reloc Sent	
Date <input type="text"/>	
Reloc Rec'd	
Date <input type="text"/>	Remarks
Date <input type="text"/>	

# U Visa Form I-918 Supplement B, p.1 (cont.)

## Part 3. Criminal Acts

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

<input type="checkbox"/> Abduction	<input type="checkbox"/> Female Genital Mutilation	<input type="checkbox"/> Obstruction of Justice	<input type="checkbox"/> Slave Trade
<input type="checkbox"/> Abusive Sexual Contact	<input type="checkbox"/> Hostage	<input type="checkbox"/> Peonage	<input type="checkbox"/> Torture
<input type="checkbox"/> Blackmail	<input type="checkbox"/> Incest	<input type="checkbox"/> Perjury	<input type="checkbox"/> Trafficking
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Involuntary Servitude	<input type="checkbox"/> Prostitution	<input type="checkbox"/> Unlawful Criminal Restraint
<input type="checkbox"/> Extortion	<input type="checkbox"/> Kidnapping	<input type="checkbox"/> Rape	<input type="checkbox"/> Witness Tampering
<input type="checkbox"/> False Imprisonment	<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Sexual Assault	<input type="checkbox"/> Related Crime(s)
<input type="checkbox"/> Felonious Assault	<input type="checkbox"/> Murder	<input type="checkbox"/> Sexual Exploitation	<input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.)
<input type="checkbox"/> Attempt to commit any of the named crimes	<input type="checkbox"/> Conspiracy to commit any of the named crimes	<input type="checkbox"/> Solicitation to commit any of the named crimes	



# U Visa

## Form I-918 Supplement B, p.2

### Part 3. Criminal Acts (continued)

2. Provide the date(s) on which the criminal activity occurred.
- | Date (mm/dd/yyyy) | Date (mm/dd/yyyy) | Date (mm/dd/yyyy) | Date (mm/dd/yyyy) |
|-------------------|-------------------|-------------------|-------------------|
|                   |                   |                   |                   |
3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.
- 
4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States? ☐ Yes ☐ No
- a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute? ☐ Yes ☐ No
- b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.
- 
- c. Where did the criminal activity occur?
- 
5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.
- 
6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.
- 

### Part 4. Helpfulness of the Victim

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in Part 3. ☐ Yes ☐ No
2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.) ☐ Yes ☐ No
3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.) ☐ Yes ☐ No
4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.) ☐ Yes ☐ No

# U Visa

5. Other, please specify.

\_\_\_\_\_

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? ☐ Yes ☐ No

- | Full Name | Relationship | Involvement |
|-----------|--------------|-------------|
|           |              |             |
|           |              |             |
|           |              |             |
|           |              |             |

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

**Date** (*mm/dd/yyyy*)

\_\_\_\_\_

\_\_\_\_\_

# from attorneys on behalf of alien victims



**DORANY RODRIGUEZ-BALTAZAR**  
A PROFESSIONAL LIMITED LIABILITY COMPANY



Dorany Rodriguez-Baltazar  
Skyler Anderson

8539 S. Redwood Road  
Building A  
West Jordan, Utah 84088

Tel. 801 566-9681  
Fax 801 566-8978  
skyler@drblawoffice.net

**March 4, 2013**

Lieutenant Todd Mallinson  
Orem Public Safety  
95 E. Center St.  
Orem, UT 84057

**RE: Mario Tolayo; Case No: DPS9742503**  
**U Nonimmigrant Status Certification Form I-918 Supplement B**

Dear Lieutenant Mallinson:

I am an immigration attorney, representing Mario Tolayo in immigration matters. He hopes to apply for U Nonimmigrant Status with United States Citizenship and Immigration Services (USCIS). U Nonimmigrant Status is available to individuals who have been victims of certain crimes, and who have been helpful in the investigation of the crime. **One of the enumerated crimes is Felonious Assault. It is my understanding that Mario was the victim of a Felonious Assault on November 23, 1997, and was helpful in the investigation by providing information to the police, and allowing them to take photographs of his injuries. See Police Report (enclosed herein).**

In conjunction with his application for U Nonimmigrant Status, Mario must submit, among other things, a form signed by a qualifying official (i.e., a law enforcement officer, etc) certifying that Mario "has been helpful, *or* is being helpful, *or* is likely to be helpful" in the investigation *or* prosecution of the crime. **It does not matter at what stage an investigation or case is, and it is not necessary that the law enforcement officer involved in the investigation of the case signs the form, provided it is signed by the head of the agency or an individual the head has designated to sign such forms. It also does not matter if the suspect was ultimately apprehended, charged, or convicted for the crime, provided Mario was helpful in the investigation.**

Accompanying this letter is the U Nonimmigrant Status Certification Form. If you – or a qualifying official you have designated to complete these forms – has knowledge that Mario has been helpful in the investigation of the crime committed against him, I respectfully request that you (or another qualifying official) assist him by completing and signing this form *in a color other than black ink*. After fully completing and signing the form, please send the original form to me in the self-addressed, stamped envelope included herein.

# Examples of letters received from attorneys on behalf of alien victims (cont.)

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crimes, and who have been helpful in the investigation of the crime. One of the enumerated crimes is Felonious Assault. It is my understanding that Mario was the victim of a Felonious Assault on November 23, 1997, and was helpful in the investigation by providing information to the police, and allowing them to take photographs of his injuries. See Police Report (enclosed herein).

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# from attorneys on behalf of alien victims

S12-143  
DS

11/7/13 - Declined

November 5, 2013

Utah County Attorney's Office  
100 East Center Street  
Provo, Utah 84606

Dear Mr. Buhman:

I am writing to you on behalf of Elsa and Hugo Jimenez, who are the parents of Denise Jimenez, who was Sexually Abused by Jorge Arturo Hernandez-Castellanos (Case Number 121401789) on July 7, 2012.

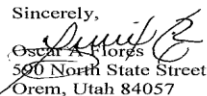
I am requesting your assistance with the U Nonimmigrant Status Certification for both parents, Hugo and Elsa Jimenez, who are "Indirect Victims" and qualified family members of a direct victim of a crime under twenty-one year of age in accordance with the U Nonimmigrant Classification.

The U Visa provides qualified crime victims who have been helpful in the investigation or prosecution of a crime with lawful immigration status and work authorization. The visa was created in Section 1513 of the Victims of Trafficking and Violence Prevention Act, 8 U.S.C. § 1513 (2000), which states that the U visa "will strengthen the ability of law enforcement agencies to detect, investigate and prosecute cases of [crimes] while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States." 8 U.S.C. § 1513(a)(2)(A).

Both parents meet all of the eligibility requirements that the direct victim would have had to meet in order to be accorded US nonimmigrant status. I hope the attached information will help you with the background to assist the Jimenez in the U Visa Process. The process involves the completion and signing of the US CIS Form I-918 Supplement B. I have attached a pre-completed form, as the majority of the law enforcement agencies that I work with prefer that the form be pre-completed, but you may prefer to completed it within your department.

If you have any questions, please contact me at (801)208-9847. Thank you very much for your assistance serving crime victims.

Sincerely,

  
Oscar A. Flores  
500 North State Street  
Orem, Utah 84057



# from attorneys on behalf of alien victims

RECEIVED  
**JOHNSON LAW ASSOCIATES**

359 E 1200 S, Orem, Utah. 84057. Phone 801-426-7900, e-mail: [saj@oremi.com](mailto:saj@oremi.com)

February 7, 2013

UTAH COUNTY ATTORNEY  
CRIMINAL DIVISION

Sam Pead  
Utah County Attorney  
100 East Center Street, Suite 2100  
Provo, UT 84606

Re:  
Jacqueline Soto  
DOB: 12/05/1993  
U Visa  
Case number: 121401117

Dear Mr. Pead:

I am writing in response to your email from December 26, 2012. Attached to this letter find the U visa package for my client Jacqueline Soto.

Jacqueline was a witness in the case named above. The defendants on that case were charged with first degree felony for aggravated robbery, third degree felony for aggravated assault and third degree felony for retaliation against a witness, victim or informant.

Jacqueline Soto worked with the police by identifying the defendants and filled out a statement with all the information she had heard from Defendants regarding the crime committed. This information helped the Police to make an arrest for the crime committed. After the Defendants were arrested they found out that Jacqueline was the one that informed the police. Some of them threatened her that they will kill her. They were even charged with retaliation of a witness, although the charge was later dismissed.

## Examples of letters received from attorneys on behalf of alien victims (cont.)

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Jacqueline was a witness in the case named above. The defendants on that case were charged with first degree felony for aggravated robbery, third degree felony for aggravated assault and third degree felony for retaliation against a witness, victim or informant.